

REMARKS

This Amendment is being filed in response to the Office Action mailed on December 15, 2010 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-15 and 17-21 are pending in this application, where claim 16 had been previously canceled without prejudice, and claim 2 has been currently canceled without prejudice. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. Claims 1, 13, 14 and 15 are independent.

In the Office Action, claim 15 is rejected under 35 U.S.C. §112, second paragraph for a certain informality. In response, claim 15 has been amended for to remove the noted informality. It is respectfully submitted that this rejection of claim 15 under 35 U.S.C. §112, second paragraph is overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-3, 5-15, 17-19 and 21 are rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0261099 (Durden) in view of U.S. Patent Application Publication No. 2004/0261096 (Matz) and U.S. Patent Application Publication No. 2004/0114052 (Sin). Claims 4 and 20 are rejected under 35 U.S.C.

§103(a) over Durden Matz and Sin in view of U.S. Patent Application Publication No. 2003/0016253 (Aoki). Applicant respectfully traverses and submits that claims 1, 3-15 and 17-21 are patentable over Durden, Matz, Sin and Aoki for at least the following reasons.

Durden is directed to a parental control where predetermined alternate content is presented when the rating and content attributes exceeds a threshold. On page 6, lines 1-2 and page 6, lines 1-2 of the Office Action, it is correctly noted that Durden does not disclose or suggest searching for a replacement or second media content item. Matz is cited in an attempt to remedy the deficiencies in Durden.

Matz is directed to a system and method for monitoring blocked content. As shown in FIG 18 and described in paragraphs [0163] and [0165], a substitute for the blocked content may be manually or automatically selected, where the selected substitute corresponds with the time duration of the content that is blocked.

It is respectfully submitted that Durden, Matz, and combination thereof, does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 13, 14 and 15 which, amongst other patentable elements, recites (illustrative emphasis provided):

a time-estimating device arranged to estimate, upon receipt of said command, a remaining time necessary for outputting a remaining part of said first media content item, the remaining time being measured from substantially said particular time to an end of the duration of said first media content item; and

a search device arranged to search for at least one second media content item, wherein a duration of said at least one second item is substantially equal to said remaining time,

wherein said time-estimating device is further arranged to estimate a time of searching said at least one second media content item, and to decrease said remaining time by said estimated time of searching.

A time-estimating device arranged to estimate the remaining time necessary for outputting a remaining part of said first media content item, to estimate the time of searching and to decrease the remaining time by the estimated time of searching, is nowhere disclosed or suggested in Durden and Matz, alone or in combination. Sin and Aoki are cited to allegedly show other features and do not remedy the deficiencies in Durden and Matz.

Based on the foregoing, it is respectfully submitted that independent claims 1, 13, 14 and 15 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-12 and 17-21 should also be allowed at least based on their dependence from independent claim 1, as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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